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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,090	11/07/2001	Osamu Kawamae	520.36525CX1	4724
20457	7590	10/31/2006	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			HOANG, THAI D	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SA

<b>Office Action Summary</b>	<b>Application No.</b> 09/986,090	<b>Applicant(s)</b> KAWAMAE ET AL.	
	<b>Examiner</b> Thai D. Hoang	<b>Art Unit</b> 2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-9, 16-18 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8, 9, 18 and 32 is/are allowed.
- 6) ☒ Claim(s) 7, 16, 17, 21-31 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 16-17, 21-31 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al, US PAT No. 5,881,037, hereinafter referred to as Tanaka.

Regarding claims 7, 16-17 and 21-24, Tanaka discloses a method and apparatus for recording and reproducing, comprising:

an input section 801 receives input information data, which sequentially writes the input information data frame by frame to the memory 802, figs. 8 (element 801), fig. 9 (step 901), col. 17, lines 45-47, col. 18, line 66-col. 19, line 1 ( a step for preparing data frames of said information data into which the additional information data are to be embedded);

a synchronization code inserter 806 inserts synchronization codes S1-S4 multiple times into information data frames 1 and 2 repetitively and separately at different positions in the frames 1 and 2, see fig. 1 (a step for altering at least in accordance with predetermined part of the data frame patterns corresponding to the additional information data to be embedded, as an electronic watermark, repetitively and separately at different positions in the data frames, for the plural continuous frames);

the information data frames included synchronization codes is output at the synchronization code inserter 806 and written on an optical disk or other medium, see fig. 8, col. 18, lines 10-14 (a step for transmitting the information data of the data frames embedded at different positions in said data frame repetitively and separately with the additional information data.)

Regarding claims 25-27 and 33, Tanaka discloses the method is applied for recording audio and video data on an optical disk or other medium, see figs. 8 and 11, col. 10, lines 53-54, col.17, lines 7 and 22, col. 18, lines 10-14 (wherein said information data includes at least one of video data, audio data and text data.)

Regarding claims 28-29, Takana discloses a sync code comprises identification code in figure 4 (wherein said data repetitively and separately embedded in said information data is identification information data.)

Regarding claims 30 and 31, Takana discloses each synchronization code comprises an identifier for discriminating the synchronization code from other data, and type information identifying the location in the data block to which the synchronization code is inserted in figures 4 and 6, col. 9, lines 63-67. Therefore, both synchronization code and type information are control information data (wherein said data repetitively and separately embedded in said information data is control information data.)

***Allowable Subject Matter***

Claims 8-9, 18 and 32 are allowed for reasons given in the previous action.

***Response to Arguments***

Applicant's arguments with respect to claims 7, 16-17, 21-31 and 33 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai D. Hoang whose telephone number is (571) 272-3184. The examiner can normally be reached on Monday-Friday 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thai Hoang



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SUPERVISORY PATENT EXAMINER  
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